

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

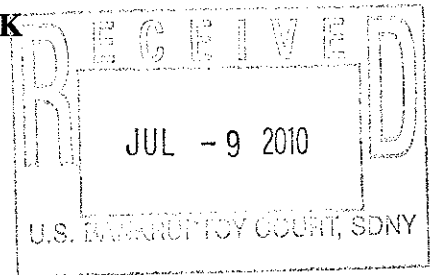
SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.



**MEMORANDUM IN OPPOSITION TO TRUSTEE'S MOTION TO AFFIRM  
TRUSTEE'S DETERMINATION DENYING CLAIMS OF CLAIMANTS  
WITHOUT BLMIS ACCOUNTS IN THEIR NAMES,  
NAMELY, INVESTORS IN FEEDER FUNDS**

Colson H. Hillier Jr. IRA, ("Investor" or "The Hilliers" ), by and through the undersigned counsel hereby files this Memorandum in Opposition to Trustee's Motion to Affirm Trustee's Determination Denying Claims of Claimants Without BLMIS Accounts in Their Names, Namely, Investors in Feeder Funds pursuant to the Court's Order dated April 13, 2010 (the "Order" [docket no. 2205]), and the memoranda filed by the Trustee and by SIPC in support of the same [docket nos. 2411 and 2414, respectively].

Investor is an "Objecting Claimant" as defined in the Order. Investor filed an objection to the Trustee's denial of its claim on the basis that Investor did not have an account at BLMIS (the

“Objection”. The Objection, along with its exhibits (including Investor’s customer claim, is attached hereto as **Exhibit A**.

The Trustee’s determination that Investor is not a “customer” under SIPC because it did not have an account in its name at BLMIS is wrong for the reasons set forth in Investor’s Objection. In the interest of preserving judicial resources, Investor hereby incorporates by reference as if fully restated herein the arguments set forth in the Objection as to why Investor should be treated as a customer under SIPA. Investor also hereby joins and incorporates by reference as if fully restated herein the arguments and authority cited in the objections and oppositions filed on behalf of all similarly Objection Claimants as to why the Trustee’s determination on the customer issue is wrong.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following, by U.S. Mail this 8th day of July, 2010:

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